

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

THOMAS BRIAN SMITH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-15-776-D
	)	
CHRISTOPHER STEPHENS, an	)	
individual, GRAND TRANSIT	)	
COMPANY, LLC, and AMERICAN	)	
INTERNATIONAL GROUP, INC.,	)	
a foreign insurance company,	)	
	)	
Defendant.	)	

**O R D E R**

Upon examination of the Notice of Removal, the Court finds insufficient factual allegations to show the existence of federal subject matter jurisdiction based on diversity of citizenship under 28 U.S.C. § 1332(a), as asserted by Defendants.<sup>1</sup> The Notice of Removal states there is complete diversity of citizenship because Plaintiff is a citizen of the State of Oklahoma and Defendant Grand Transit Company, LLC is a Texas Limited Liability Company, “with its principal place of business in the state of Texas.” *See* Notice of Removal [Doc. No. 1], ¶ 4. The state court Petition alleges only that Grand Transit Company, LLC “is a Texas limited liability company.” *See* Petition [Doc. No. 1-2]. The Notice of Removal contains no information concerning the citizenship of the members or owners of Grand Transit Company, LLC and, therefore, fails to allege the citizenship of this defendant. *See Siloam Springs Hotel, L.L.C. v. Century Surety Co.*, 781 F.3d 1233, 1238 (10th Cir.

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<sup>1</sup>Because the Court has an independent obligation to determine whether subject-matter jurisdiction exists, the Court raises the issue *sua sponte*. *Image Software, Inc. v. Reynolds & Reynolds Co.*, 459 F.3d 1044, 1048 (10th Cir. 2006).

2015 (joining “all other circuits that have considered the matter” and holding that a limited liability company “takes the citizenship of all its members”).

IT IS THEREFORE ORDERED that Defendants shall file an amended notice of removal that states a sufficient factual basis for diversity jurisdiction within 14 days from the date of this Order.<sup>2</sup>

IT IS SO ORDERED this 3<sup>rd</sup> day of August, 2015.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup>Defendants need not re-file the exhibits attached to the Notice of Removal but may incorporate them by reference pursuant to Fed. R. Civ. P. 10(c).